

11CV2720
Swain

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Appellee: Lehman Brothers Holdings Inc., et al.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Weil Gotschal & Manges LLP (see below)

DEFENDANTS

Appellant: U.S. Bank National Association, as Trustee

ATTORNEYS (IF KNOWN)

Chapman and Cutler LLP (see below)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal of an Order of the United States Bankruptcy Court in In re Lehman Brothers Holdings Inc., et al.

Has this or a similar case been previously filed in SDNY at any time? No? ☒ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

08-13555 #15/32

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE		
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 620 OTHER FOOD &	28 USC 158	REAPPORTMENTMENT		
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	MED MALPRACTICE	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST		
<input type="checkbox"/> 130 MILLER ACT	LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	SEIZURE OF	28 USC 157	<input type="checkbox"/> 430 BANKS & BANKING		
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY		<input type="checkbox"/> 450 COMMERCE		
INSTRUMENT	SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 460 DEPORTATION		
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	INJURY PRODUCT	<input type="checkbox"/> 630 LIQUOR LAWS		<input type="checkbox"/> 470 RACKETEER INFLU-		
OVERPAYMENT &	EMPLOYERS'	LIABILITY	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 820 COPYRIGHTS	ENCED & CORRUPT		
ENFORCEMENT OF	LIABILITY	PERSONAL PROPERTY	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 830 PATENT	ORGANIZATION ACT		
JUDGMENT	<input type="checkbox"/> 340 MARINE		<input type="checkbox"/> 660 OCCUPATIONAL	<input type="checkbox"/> 840 TRADEMARK	(RICO)		
<input type="checkbox"/> 151 MEDICARE ACT	LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 690 OTHER	SOCIAL SECURITY	<input type="checkbox"/> 480 CONSUMER CREDIT		
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 371 TRUTH IN LENDING	LABOR	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 CABLE/SATELLITE TV		
DEFAULTED	LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 875 CUSTOMER		
STUDENT LOANS	<input type="checkbox"/> 350 MOTOR VEHICLE	PROPERTY DAMAGE	STANDARDS ACT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	CHALLENGE		
(EXCL VETERANS)	<input type="checkbox"/> 355 MOTOR VEHICLE	PRODUCT LIABILITY	RELATIONS	<input type="checkbox"/> 864 SSID TITLE XVI	12 USC 3410		
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> 730 LABOR/MGMT	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 OTHER STATUTORY		
OVERPAYMENT OF	INJURY	PRODUCT LIABILITY	REPORTING &	FEDERAL TAX SUITS	ACTIONS		
VETERAN'S BENEFITS			DISCLOSURE ACT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	<input type="checkbox"/> 891 AGRICULTURAL ACTS		
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	ACTIONS UNDER STATUTES	PRISONER PETITIONS	<input type="checkbox"/> 740 RAILWAY LABOR ACT	Defendant)	<input type="checkbox"/> 892 ECONOMIC		
<input type="checkbox"/> 190 OTHER CONTRACT	CIVIL RIGHTS	<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	STABILIZATION ACT		
<input type="checkbox"/> 195 CONTRACT PRODUCT	<input type="checkbox"/> 441 VOTING	VACATE SENTENCE	LITIGATION	26 USC 7609	MATTERS		
LIABILITY	<input type="checkbox"/> 442 EMPLOYMENT	20 USC 2255	<input type="checkbox"/> 791 EMPL RET INC		<input type="checkbox"/> 894 ENERGY		
<input type="checkbox"/> 198 FRANCHISE	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 530 HABEAS CORPUS	SECURITY ACT		ALLOCATION ACT		
REAL PROPERTY	ACCOMMODATIONS	<input type="checkbox"/> 535 DEATH PENALTY	IMMIGRATION		<input type="checkbox"/> 895 FREEDOM OF		
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 462 NATURALIZATION		INFORMATION ACT		
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 550 CIVIL RIGHTS	APPLICATION		<input type="checkbox"/> 900 APPEAL OF FEE		
<input type="checkbox"/> 230 RENT LEASE &	DISABILITIES -	<input type="checkbox"/> 555 PRISON CONDITION	HABEAS CORPUS-		DETERMINATION		
EJECTMENT	EMPLOYMENT		ALIEN DETAINEE		UNDER EQUAL ACCESS		
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 446 AMERICANS WITH		OTHER IMMIGRATION		TO JUSTICE		
<input type="checkbox"/> 245 TORT PRODUCT	DISABILITIES-OTHER		ACTIONS		<input type="checkbox"/> 950 CONSTITUTIONALITY		
LIABILITY	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS				OF STATE STATUTES		
<input type="checkbox"/> 290 ALL OTHER							
REAL PROPERTY							

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☒ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/> 3	<input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	<input type="checkbox"/> 6	<input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4	<input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6	<input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

U.S. Bank National Association
c/o Franklin H. Top III
111 West Monroe Street
Chicago, IL 60603-4080
Tel: (312) 845-3000
Fax: (312) 701-2361

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Lehman Brothers Holdings Inc.
c/o Harvey R. Miller
Weil, Gotshal & Manges LLP
767 Fifth Avenue, Suite 3358-2
New York, NY 10153
Tel: (212)-310-8500
Fax: (212)-310-8007

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 4/12/2011 SIGNATURE OF ATTORNEY OF RECORD

Craig Prie

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO ☒ YES (DATE ADMITTED Mo. 9 Yr. 2000)
Attorney Bar Code #CP-9039

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)